

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

MITAL SUMAN KUMAR PATEL,

Plaintiff,

v.

No. 1:20-cv-00870-SCY-KK

ROBERT WILKE, Secretary of United States  
Department of Veterans Affairs,

Defendant.

**MEMORANDUM OPINION AND ORDER**  
**DENYING SECOND MOTION FOR ENTRY OF DEFAULT**

**THIS MATTER** comes before the Court on *pro se* Plaintiff's Second Motion for Entry of Default Against the Defendant, Doc. 14, filed January 25, 2021.

Plaintiff's Second Motion for Entry of Default is essentially identical to Plaintiff's first Motion for Entry of Default. *See* Doc. 12, filed December 17, 2020. In his January 25, 2021, email submitting the Second Motion for Entry of Default to the Clerk's Office for filing, Plaintiff stated: "I am again filing for motion of default against department of veterans affairs last time around there was no signature confirmation which was duly submitted last week."

The Court denied Plaintiff's original Motion for Entry of Default because Plaintiff had not filed an affidavit stating that he properly served Defendant, he had not shown that he properly served Defendant by sending the summons and Amended Complaint by registered or certified mail, and he had not shown that he properly served the United States. *See* Mem. Op. and Order Denying Motion for Entry of Default, Doc. 13, filed January 15, 2021 (discussing the procedure in Fed. R. Civ. P. 4 for serving an agency, officer or employee of the United States and for serving

the United States). The Court denies Plaintiff's Second Motion for Entry of Default for the same reasons it denied Plaintiff's original Motion for Entry of Default.

**IT IS ORDERED** that Plaintiff's Second Motion for Entry of Default Against the Defendant, Doc. 14, filed January 25, 2021, is **DENIED**.

  
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**KIRTAN KHALSA**  
**UNITED STATES MAGISTRATE JUDGE**